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JUL 30 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF TEXAS
Austin DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____

DEPUTY CLERK

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

FILED

JUL 28 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY KP
DEPUTY CLERK

Broderick Robinson

Plaintiff's name and ID Number

A11RED Unit

Place of Confinement

CASE NO. A08CA 578SS

(Clerk will assign the number)

v. Travis County Sheriff

314 W. 11th Austin TX 78767

Defendant's name and address

Travis County Sheriff

314 W. 11th Austin TX 78767

Defendant's name and address

Travis County Sheriff

314 W. 11th Austin TX 78767

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$ 350.00
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$250 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: N/A

2. Parties to previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A

3. Court: (If federal, name the district; if state, name the county.) N/A

4. Docket Number: N/A

5. Name of judge to whom case was assigned: N/A

6. Disposition: (Was the case dismissed, appealed, still pending?) N/A

7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: All Red Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?

YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Broderick J. Robinson, 1447077
2101 FM 369 N. Iowa Park, TX 76367

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Travis County Sheriff 1st shift
314 W 11th st Austin TX 78767

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Assaulted me, Thumb compression behind my ears, Chocked me, Chipped two of my front Teeth
bruises & scrapes over my body, Repeatedly push the air out of my abdomen

Defendant #2: Travis County Sheriff 2nd shift

314 W 11th st Austin TX 78767

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Same as Defendant #1, Deliberately put knee in my Rib Cage & pulling upward with a jerk
while the Officer was holding my upper body, jerked my legs & Breaking my Ribs

Defendant #3: Travis County Sheriff Supervisor
314 W 11th st Austin TX 78767

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Allowing three officers on 2nd shift to take me upstairs with Supervisor
which resulted in me being injured & Deliberately Breaking my Ribs

Defendant #4: Travis County Sheriff Administration

314 W 11th st Austin TX 78767

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Responsible for the Action & Policy of Officers

Defendant #5: Travis County Sheriff Dept, Supervisor & Administration
314 W 11th st Austin TX 78767

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Reprisal, Failure to Act in a timely manner on my Grievance or Respond
to my letters concerning Grievance, Failure to allow or take me to Med Dept.
to see Dr. for Broken Ribs & pain after Assault, I had to go to the VA
for Med attention after being released because of my Injuries,
3

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

While in the Cosdty of Travis C. Sheriff, I was Assaulted by 1st shift Officers Then again by 2nd shift Officers, My Civil Rights were Violated because the Attack was not nessary. I was injured in this assault & denied Medical Attention. I suffered a broken Rib, two chip front teeth, Pulled Muscle in my Pelvis & leg, Chocked repeatedly, Bruses on my body, Scraps on my body, Thumb Compresso behind my ears repeatedly. I did not Provoke this attack, Unnessary use of force, I was locked away in Cold Cells for days which made my Pain & suffering worse, Supervisors refused to act on my Grievance & complaint, My selfy was jeopardize after reporting Grievance to higher Attthorities, Food & mail, Correspondance Tamper with mail held back from going out, Represal while waiting for a response for Grievance.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I Broderick O. Robinson wish the Court to inforce Civil Suit to Each Dept. Named in the Maximum Amount Issued Per Violation Totaling \$ 2,000.000

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Broderick Robinson

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

1447077

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

YES NO NR

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case Number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? N/A

YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO N/A

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A

2. Case Number: N/A

3. Approximate date warnings were imposed: N/A

Executed on: N/A
DATE

N/A

N/A

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$250 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 23 day of July, 2008.
(Day) (month) (year)

Broderick Robinson

Broderick Robinson
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

III Exhaustion of Grievance Procedures

I followed all the steps of the Grievance & was told by Lt. Velejo after a taped interview with me she would be contacting me within 60 days, of the investigation. July 3 - 2007.

After I was released from Travis Co Jail on San 5-07, I saw a attorney about my Grievance & was told to write to the Internal Affairs & was told the same by the Police monitors, Office.

I have requested Travis Co Grievance Procedures from Sheriff, Grievance Office, because I did not hear back from Grievance Lt, they never responded after 60 Days which was due Sept 3 of 07

I had done all in my power to keep communication open with the Grievance Process by letter,

I have exhausted all my attempts to here back from the Grievance Lt Velejo by letter, I don't have a Grievance Step 2 to file with this Civil Rights Act 42 U.S.C 1983, because I never got a response back.

I did send a Step 1 & 2 Grievance form of TDC to address my complaint & notify by step 2 that I would be proceeding to the next step which is filing this Complaint,

Phan K
A.R.